

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RIEKES EQUIPMENT COMPANY, a  
Nebraska Corporation;

Plaintiff,

vs.

PALLET SHUTTLE AUTOMATION, LLC,  
a Tennessee Limited Liability Company;

Defendant.

**8:21CV430**

**FINAL PROGRESSION ORDER  
(AMENDED)**

IT IS ORDERED that the parties' joint motion to amend is granted. (Filing No. 27). The unexpired deadlines the final progression order are amended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings set for December 13, 2022 is **continued** and will be held with the undersigned magistrate judge on **February 14, 2023 at 9:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is January 30, 2023. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by February 28, 2023.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is May 31, 2023.
- 4) The deadline for filing motions to dismiss and motions for summary judgment is July 31, 2023.

- 5) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is February 28, 2023.
- 6) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 7) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 8) Any deadline not specifically amended by this order is unchanged. All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 30th day of November, 2022.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge